

Docket No. 198156US2S CONT
IN RE APPLICATION OF: Makoto HARADA, et al.
SERIAL NO: 09/684,776
FILED: October 10, 2000
FOR: CARBON MONOXIDE TRANSFORMING APPARATUS FOR FUEL CELL AND FUEL CELL POWER GENERATING SYSTEM



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ASSISTANT COMMISSIONER FOR PATENTS
WASHINGTON, D.C. 20231

SIR:
Transmitted herewith is a restriction response and amendment in the above-identified application.

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- ☒ No additional fee is required
☐ Small entity status of this application under 37 C.F.R. §1.9 and §1.27 is claimed.
☒ Additional documents filed herewith: Marked-up Copy

The Fee has been calculated as shown below:

CLAIMS	CLAIMS REMAINING		HIGHEST NUMBER PREVIOUSLY PAID	NO. EXTRA CLAIMS	RATE	CALCULATIONS
TOTAL	17	MINUS	20	0	x \$18 =	\$0.00
INDEPENDENT	2	MINUS	3	0	x \$84 =	\$0.00
		<input type="checkbox"/> MULTIPLE DEPENDENT CLAIMS			+ \$280 =	\$0.00
		TOTAL OF ABOVE CALCULATIONS				\$0.00
		<input type="checkbox"/> Reduction by 50% for filing by Small Entity				\$0.00
		<input type="checkbox"/> Recordation of Assignment			+ \$40 =	\$0.00
		TOTAL				\$0.00

- ☐ A check in the amount of \$0.00 is attached.
- ☒ Please charge any additional Fees for the papers being filed herewith and for which no check is enclosed herewith, or credit any overpayment to deposit Account No. 15-0030. A duplicate copy of this sheet is enclosed.
- ☒ If these papers are not considered timely filed by the Patent and Trademark Office, then a petition is hereby made under 37 C.F.R. §1.136, and any additional fees required under 37 C.F.R. §1.136 for any necessary extension of time may be charged to Deposit Account No. 15-0030. A duplicate copy of this sheet is enclosed.

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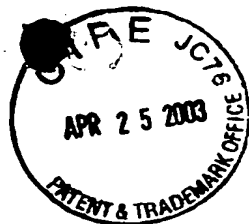
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198156US-2S CONT



IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF:

Makoto HARADA et al.

SERIAL NO.: 09/684,776

FILED: October 10, 2000

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: GROUP ART UNIT: 1746

:

: EXAMINER: Monique M. WILLS

FOR: CARBON MONOXIDE TRANSFORMING
APPARATUS FOR FUEL CELL AND FUEL
CELL POWER GENERATING SYSTEM

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GROUP 1700

RESTRICTION RESPONSE AND AMENDMENT

ASSISTANT COMMISSIONER FOR PATENTS
WASHINGTON, D.C. 20231

SIR:

In response to the restriction requirement of March 26, 2003, the applicants elect Group 1, with traverse, corresponding to claims 1-11 drawn to a carbon monoxide transforming apparatus.

The proper criteria for restriction between distinct inventions are provided in MPEP §803. The two criteria are (1) the inventions must be independent or distinct as claimed and (2) there must be a *serious* burden on the examiner if restriction is not required. Regarding the second criterion, if the search and examination of an entire application can be made without a serious burden, the examiner *must* examine it on the merits, even though it includes claims to independent or distinct inventions (MPEP §803 (emphasis ours)).

Although the Office Action has identified separate classifications, making a prima face case of a serious burden, it is respectfully submitted that there is no serious burden in searching and examining the entire application. The restriction does not address this issue.